

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

1. ROSE WOODS,)	
)	
Plaintiff,)	
)	Case No. 18-CV-00327-TCK-JFJ
vs.)	
)	
1. ROSS DRESS FOR LESS, INC., a foreign)	
corporation; and)	
)	
2. MEGAN BUTLER, an individual,)	
)	
Defendants.)	

NOTICE OF REMOVAL

TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO THE PLAINTIFF
AND HER ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446,
Defendant, Ross Dress For Less, Inc. (“**Ross**”), hereby submits its Notice of Removal. In support
of its Notice of Removal, Ross alleges and states as follows:

Statement of the Case

1. On May 23, 2018, Plaintiff, Rose Woods (“**Plaintiff**”) filed a Petition for
Negligence (“**Petition**”) in the Tulsa County District Court, State of Oklahoma, styled as *Woods*
v. Ross Dress for Less, Inc. et al., Case No. CJ-2018-2181 (the “**State Court Action**”). See
Plaintiff’s Petition attached hereto as **Exhibit 1**.

2. The Petition alleges that on October 21, 2017, Plaintiff was entering a Ross Dress
for Less retail facility when a “for hire” sign placed in the outdoor walkway caused her to fall.
As a result of the incident, Plaintiff alleges she suffered personal injury. Plaintiff further alleges

that at the time of the incident, Megan Butler (“**Butler**”) was employed as the store manager. *See* Exhibit 1, at ¶¶ 3 and 6.

3. On May 25, 2018, Ross was served with a copy of the Summons and Petition via certified mail. *See* Service of Process Transmittal attached as **Exhibit 2**.

4. To date, Plaintiff has not served Butler.

5. In her Petition, Plaintiff alleges she is “entitled to damages against the Defendant in an amount in excess of Seventy Five Thousand Dollars (\$75,000.00).” Plaintiff further alleges that “[a]s a result of Defendant’s reckless disregard for safety and/or intentional acts or inaction Plaintiff is entitled to punitive damages against the Defendant in an amount in excess of Seventy Five Thousand Dollars (\$75,000.00).” *See* Exhibit 1, at ¶¶ 12 and 13.

Diversity Jurisdiction Under 28 U.S.C. § 1332(a)

6. This Court has jurisdiction over this matter under 28 U.S.C. § 1332(a), because there is complete diversity of citizenship between Plaintiff and the Defendants properly joined and served, and the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

7. Plaintiff alleges in her Petition that she is a resident of Rogers County, Oklahoma. *See* Exhibit 1, at ¶ 1.

8. Ross is foreign corporation with its headquarters and principal place of business in Dublin, California.

9. Butler is alleged to be the store manager of the Ross Dress for Less retail facility located at 1532 E. Hillside Dr., Broken Arrow, Oklahoma on the date of the incident, but has never been served in this action. *See* Exhibit 1, at ¶ 3.

10. Plaintiff in this action “prays for judgment against the Defendants for physical injuries, medical expenses, pain and suffering, emotional trauma, loss of certain physical abilities, economic losses, disfigurement, loss of enjoyment of life, and any permanent disability resulting therefrom and attorney fees and costs in an amount in excess of Seventy Five Thousand Dollars (\$75,000.00). Furthermore, Plaintiff prays for punitive damages and other relief this Court deems just and proper, all in an amount in excess of Seventy Five Thousand Dollars (\$75,000.00).” *See* Exhibit 1, at ¶ “WHEREFORE”. Thus it is undisputed that the jurisdictional threshold under 28 U.S.C. 1332(a) is satisfied.

All Procedural Requirements for Removal Have Been Satisfied

11. Pursuant to 28 U.S.C. § 1446(a) and LCvR 81.2, a true and correct copy of all of the process, pleadings, orders, and documents from the State Court Action which have been served upon Ross are being filed with this Notice of Removal. *See* State Court Pleadings attached as **Exhibit 3**.

12. This Notice of Removal has been filed within thirty (30) days following the receipt of Plaintiff’s Petition. Therefore, this Notice of Removal is timely in accordance with 28 U.S.C. § 1446.

13. Written notice of the filing of this Notice of Removal will be given promptly to the Plaintiff, and a copy of the Notice of Removal will be filed with the Clerk of the District Court of Tulsa County, State of Oklahoma as provided by 28 U.S.C. § 1446(d).

14. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1441(a) and 1446(a) because the U.S. District Court for the Northern District of Oklahoma is the federal judicial district embracing the Tulsa County District Court where the State Court Action was originally filed.

Conclusion

By this Notice of Removal, Ross does not waive any defenses or objections it may have to this action. Ross intends no admission of fact, law or liability by this Notice, and expressly reserves all defenses, motions, and/or pleas.

WHEREFORE, Defendant, Ross Dress for Less, Inc. requests that this action be removed to the United States District Court for the Northern District of Oklahoma.

Respectfully Submitted,

WILBURN, MASTERSON & FLEURY

By s/David R. Fleury
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CERTIFICATE OF SERVICE

I, David R. Fleury, hereby certify that on this 22nd day of June, 2018, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Thomas F. Ganem
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Tulsa, OK 74133
Attorney for Rose Woods

s/David R. Fleury
DAVID R. FLEURY

DRF/drf